

Item 5 T mobile A Street # **687321**

Statement of Opposition to CEQA Exemption for T mobile A Street Cell Tower

We Appeal the City of San Diego's determination that an exemption for the subject project is the appropriate CEQA document for the project, and we appeal the accuracy and sufficiency of the proposed exemption and exception.

153002a Exceptions

When changes to houses in the subject neighborhood, are requested they must be submitted to the Eastern Area Planning Committee (EPAC) **historical** subcommittee, for architectural consistency. This tells us that our neighborhood is **historical**. We also know that our houses are over fifty years old and therefore meet the classification as **historical**.

Our historical residential housing is at risk because it is in the area which would be impacted if the tower were to be toppled onto the adjacent houses located within 66 feet horizontally of the tower (fall radius) of the six-story proposed tower. Moreover, the conversion of a historical district to uses typical of light industrial is a deviation of the underlying zone and cannot be explained away by just the covering of the tower.

The proposed six story tower (66 feet high) is a regional facility by virtue of the number of antennas and size of the 850 square foot support building (hut). It has long been settled that industrially zoned land has rights to uses prescribed in the zoning ordinance, and so does residentially zoned land. There is no discussion of the discontinuity of a regional use in a subregional/local neighborhood afforded by the proposed exemption.

Citation:

§ 15300.2. Exceptions.

*14 CA ADC § 15300.2 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
Barclays Official California Code of Regulations [Currentness](#)
Title 14. Natural Resources
Division 6. Resources Agency
Chapter 3. Guidelines for Implementation of the California Environmental Quality Act
Article 19. Categorical Exemptions*

14 CCR § 15300.2

§ 15300.2. Exceptions.

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies; and...

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. ...

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21084 and 21084.1, Public Resources Code; Wildlife Alive v. Chickering (1977) 18 Cal.3d190; League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896; Citizens for Responsible Development in West Hollywood v. City of West Hollywood (1995) 39 Cal.App.4th 925; City of Pasadena v. State of California (1993) 14 Cal.App.4th 810; Association for the Protection etc. Values v. City of Ukiah (1991) 2 Cal.App.4th 720; and Baird v. County of Contra Costa (1995) 32 Cal.App.4th 1464.

HISTORY

- 1. Amendment of subsection (b), new subsections (d)-(f) and amendment of Note filed 10-26-98; operative 10-26-98 pursuant to Public Resources Code section 21087 (Register 98, No. 44).*
 - 2. Change without regulatory effect amending Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).*
- This database is current through 2/11/22 Register 2022, No. 6*
14 CCR § 15300.2, 14 CA ADC § 15300.2

We disagree with the proposed exemption under 15303 (Class Three). The City of San Diego, after this City, proffers the following as reason for the proposed exemption as stated in the NORA :

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15303 (New Construction). The exemption allows for the construction and location of limited numbers of new, small facilities or structures where only minor modifications are made. Since the project would only construct one WCF on a previously developed site it was determined that the exemption was appropriate, and the exceptions listed in CEQA Section 15300.2 would not apply.

Reasons for not certifying the subject Exemption:

- 1.) A six-story structure of any kind is not a small facility in an historical neighborhood. A wireless telecommunication facility (WCF) of six stories cannot be considered a part of the existing church operation.**
- 2.) Antenna fall area is on top houses and would be in one or more lanes of SR 94, westbound.
- 3.) The antenna is clearly a **regional facility**, and there is light industrial zoned land within one quarter mile of the proposed site, Coca Cola and Channel 10, businesses. Plans for the tower in the subject project application provide for “future carrier antennas” and “Second Carrier Antennas,” clearly a regional facility.
- 4.) The proposed antenna converts a residential neighborhood into a more industrial type of land use by its presence.
- 5.) The exemption if sustained precludes review by other public agencies/organizations such as: Caltrans (CA Department of Transportation), and FAA height above ground vs flight path to major airport.
- 6.) View Studies in Europe have found that such a tower reduces the value of the residential property located adjacent to it.

7.) The fan for cooling in equipment room of 850 square feet will run for 24 hours daily. How will planners know to require baffles to mitigate same? The proposed wrought iron gate in the containment room will allow air conditioning sound into the neighborhood.

8.) Requirements for alternative siting will be precluded by use of an exemption. The use of nearby light industrial area Coca Cola, Channel Ten one Quarter mile away 1500 feet (.28 mile) will not be considered.

9. Does the existing CUP for the church allow for the installation of a six-story cell tower?